

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE**

In re:

DONALD BRANDT,

Debtor.

DONALD BRANDT,

Plaintiff,

v.

**JULIANNE BORDEN and FARMERS &
MERCHANTS BANK,**

Defendants.

Case No. 09-08066-KL3-11

Adv. No. 309-0305A

Adv. No. 309-0416A

JUDGMENT AGAINST DEFENDANT FARMERS & MERCHANTS BANK

This matter came before the Court for hearing on March 17, 2011, on the Debtor's application for damages against Defendant F&M Bank, pursuant to the Court's instructions of December 15, 2010. Based on the submissions of counsel, on the arguments of the parties, on the Court's December 15, 2010, findings of fact and conclusions of law, and the record as a whole, the Court finds that judgment should be entered against Defendant Farmers & Merchants Bank for fraud by non-disclosure and civil conspiracy and damages awarded to the Debtor as follows:

1. Two thousand seven hundred dollars (\$2,700.00) for the funds obtained from the Debtor's bank account by Lowry Shrader via execution;
2. One hundred eighty-one dollars (\$181.00) in overdraft charges;
3. Three thousand, eight hundred three dollars and seventy-five cents (\$3,803.75) in attorney's fees related to the Debtor's representation by Lance Miller;
4. Seven hundred fifty dollars (\$750.00) in attorney's fees related to the Debtor's representation by Dennis Stanford;
5. Forty percent (40%) of the eighteen thousand, five hundred thirty-seven dollars and thirty-eight cents (\$18,537.38) in fees paid to Scott Hurley, being seven thousand, four hundred fourteen dollars and ninety-five cents (\$7,414.95);
6. Forty percent (40%) of the eighty-five thousand, two hundred seventy-five dollars (\$85,275.00) in attorney's fees related to the Debtor's representation by Edward M. Graves, Jr., being thirty-four thousand, one hundred ten dollars (\$34,110.00);
7. Forty percent (40%) of the eight thousand, three hundred fourteen dollars and ninety-four cents (\$8,314.94) in litigation expenses incurred as part of the representation of the Debtor by Edward M. Graves, Jr., being three thousand, three hundred twenty-five dollars and ninety-eight cents (\$3,325.98);
8. Forty percent (40%) of the one hundred sixty-six thousand, six hundred seventy-five dollars (\$166,675.00) in attorney's fees related to the Debtor's representation by the Law Office of David Day, P.C., being sixty-six thousand, six hundred seventy dollars (\$66,670.00); and
9. Forty percent (40%) of the twenty-four thousand, four hundred seventy-five dollars and seventy-nine cents (\$24,475.79) in litigation expenses incurred as part of the representation of the Debtor by the Law Office of David Day, P.C., being nine thousand, seven hundred ninety dollars and thirty-two cents (\$9,790.32).

This results in a total award to the Debtor against Defendant Farmers & Merchants Bank in the amount of one hundred twenty-eight thousand, seven hundred forty-six dollars (\$128,746.00).

This judgment shall become final upon entry, as there is no just reason for delay.

SO ORDERED.

**THIS ORDER WAS SIGNED AND ENTERED
ELECTRONICALLY AS INDICATED ABOVE.**

Approved for entry:

LAW OFFICE OF DAVID DAY, P.C.

By: /s/ David Day
DAVID DAY, B.P.R. No. 10941
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LAW OFFICE OF EDWARD M. GRAVES, JR.

By: /s/ Edward M. Graves, Jr.
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Attorney for Defendant Farmers & Merchants Bank

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing document has been served upon the following by personal delivery, facsimile, first class mail, postage prepaid, and/or the electronic filing system of this Court:

JULIANNE BORDEN
Inmate No. 18116-075
Victorville Medium II Federal Correctional
Institute
P.O. Box 5300
Adelanto, California 92301

Pro Se Defendant

This 12th day of May, 2011.

/s/ David Day _____